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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,455	11/21/2003	Yacine El Kolli	02997.002481.	8053
5514 7590 08/27/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER BARQADLE, YASIN M	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,455

Applicant(s)

EL KOLLI ET AL.

Examiner

Yasin M. Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed on June 08, 2007 have been considered but are deemed persuasive.

- Claims 1-22 are presented for examination.

Response to Arguments

In essence the Applicant argues that Le Scolan doesn't disclose any stem or means of forming a second packet, being a synchronization packet... said synchronization packet corresponds to the beginning of first packet. And in addition Le Scolan doesn't disclose any step of modifying the size of a second packet preceding the synchronization packet." Page 14, last paragraph.

Examiner note that Le Scolan discloses for example "When a data frame is transmitted by radio by the interconnection node A, the latter generates, firstly, a radio synchronization preamble depicted in FIG. 5a by shaded areas, followed by the useful data to be transmitted. These data, which are stored in the buffer area of the storage means 222 (FIG. 3), are read by the radio modem 226. At the end of transmission of the radio

Art Unit: 2153

synchronization preamble, the interconnection node A generates a radio frame start signal denoted 259 in FIG. 3 which is intended for the calculation unit 220." (§ 0196-0197). Le Scolan also teaches "(synchronization information is inserted into a receive frame and each communication network being synchronized by exchanging a synchronization information between the node and the apparatus § 0104, 0109 and § 0186-0187). Le Scola further teaches modifies the size of a second packet preceding the second synchronization packets (§ 0271-0273 and § 0352-0354. See Also fig. 6C, H14). Therefore, Le Scolan teaches the argued limitations.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2153

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7, 9-18 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Le Scolan et al "hereinafter" Le Scolan (USPN 20050237928).

As per claim 1, 9, 12 and 20, Le Scolan teaches a method for the insertion of information to synchronize a destination node with a data stream transmitted from an entry terminal in a heterogeneous network, the heterogeneous network including at least one sub-network conveying first packets and one basic network conveying second packets, the entry terminal being connected to the sub-network, the sub-network being connected to the basic network by means of an entry node forming the second packets from at least one sub-part of at least one first packet "In a communication network consisting of two or more serial communication buses in accordance with IEEE 1394 standard, when several buses are connected together by means of bridges, one of the synchronization nodes CM amongst all the synchronization nodes of all the buses is chosen as a reference for the entire network." (Fig. 2 ¶ 0157-0159),

wherein, at the occurrence of at least one pre-determined

Art Unit: 2153

event, the entry node:

forms a second synchronization packet such that the beginning of the useful information of the second synchronization packet corresponds to the beginning of the first packet "the reference moment identifying the appearance of a reference event at one of the nodes A and B. For example, the reference event considered is the start of a data frame transmitted between nodes A and B and the reference moment corresponds to the moment when this frame starts." (§ 0186-0187 and § 0196-0197);

inserts a synchronization marker in the second synchronization packet (synchronization information is inserted into a receive frame and each communication network being synchronized by exchanging a synchronization information between the node and the apparatus § 0104, 0109 and § 0186-0187); and

modifies the size of a second packet preceding the second synchronization packets (§ 0271-0273 and § 0352-0354).

As per claims 2 and 13, Le Scolan teaches a method wherein said predetermined event is reached at a predetermined instant from among a plurality of predetermined instants (§ 0186-0188).

Art Unit: 2153

As per claims 3 and 14, Le Scolan teaches a method, wherein the plurality of predetermined instants succeed one another in a cycle with a fixed period (§ 0186-0188 and § 0316)

As per claims 4 and 15, Le Scolan teaches a method, wherein said predetermined event is the reception, by the entry node, of a synchronization request (§ 0186-0188 and § 0315-0318).

As per claims 5 and 16, Le Scolan teaches a method, wherein the synchronization request is sent out by a node belonging to the group comprising: a first destination node, to which there is connected a first destination terminal that has formulated a first request for connection with the entry terminal, to receive said data stream; a second destination node, to which there is connected a second destination terminal that has formulated a second request for connection with the entry terminal, to receive said data stream, after a connection has already been set up between the first destination terminal and the entry terminal for said data stream (§ 0186-0188; § 0218-0227 and § 0315-0318).

As per claims 6 and 17, Le Scolan teaches a method, wherein the entry node modifies the size of the second synchronization.

Art Unit: 2153

packet, in such a way that the sum of the modified size of the preceding second packet and the modified size of the second synchronization packet is substantially equal to the normal size of a second packet (§ 0271-0273 and § 0352-0354).

As per claims 7 and 18, Le Scolan teaches a method, wherein the entry node manages a mechanism for the obtaining, after each occurrence of a predetermined event, of the current distance, in memory, between a memorized position of a forthcoming start of a first packet and a current position of a read pointer used for the building of the second packets (§ 196-0200; § 0271-0273 and § 0352-0354).

As per claim 10 and 21, Le Scolan teaches a method, following the transfer of the first synchronization packet, the destination node: forms first packets out of second packets associated with the data stream; transfers the first packets formed on the sub-network (see fig. 2).

As per claim 11 and 22, Le Scolan teaches a method wherein so long as it has not detected a second synchronization packet, the destination node swallows the second received packets, without forming first packets. (§ 0186-0189 and § 0410-0412).

Allowable Subject Matter

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2153

however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

Art Unit: 2153

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153


ABDULLAH SALAD
PRIMARY EXAMINER